

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

TRUSTEES OF THE SHEET METAL)
WORKERS LOCAL NO. 20 GARY AREA)
PENSION PLAN,)
)
Plaintiffs,) Case No. 2:24-cv-00421-GSL-AZ
)
v.)
)
NWI HEATING AND AIR SOLUTIONS)
LLC, and NWI HEATING AND AIR LLC,)
)
Defendants.)

REPORT OF PARTIES' PLANNING MEETING

1. The parties conferred via electronic mail under Fed. R. Civ. P. 26(f) and agreed to this report on January 8, 2026. Matt Pierce participated for the Plaintiffs, and Todd A. Miller participated for the Defendants.
2. Jurisdiction.

The court has jurisdiction under 28 U.S.C. § 1331, and 29 U.S.C. §§ 1132(e)(1) and 1132(e)(2), and 29 U.S.C. § 185. The parties agree that this action arises under federal law, namely, the Employee Retirement Income Security Act of 1974 (“ERISA”).

3. Pre-Discovery Disclosures.

The parties will exchange, *but may not file*, Rule 26(a)(1) information by January 16, 2026.

4. Discovery Plan.

The parties propose the following discovery plan.

Discovery will be needed on the following subjects: Defendants' obligation to pay benefit contributions on behalf of covered employees to the Fund; Defendants' obligation to

comply with payroll audits initiated by Plaintiff; Plaintiff's attempts to conduct a payroll audit of Defendants and Defendants' failure to provide the requested materials; and Plaintiff's assertion that Defendants are alter egos and a single employer or, in the alternative, joint employers.

Disclosure or discovery of electronically stored information should be handled as follows: ESI materials should be produced in PDF format, but where PDF format is not feasible or not legible, ESI materials should be produced in their native file format.

The last date to complete all discovery is August 28, 2026.

The parties do not anticipate expert witnesses in this case.

5. Other Items.

The last date the plaintiff(s) may seek permission to join additional parties and to amend the pleadings is March 27, 2026.

The last date the defendant(s) may seek permission to join additional parties and to amend the pleadings is April 24, 2026.

The time to file Rule 26(a)(3) pretrial disclosures will be governed by separate order.

The case should be ready for bench trial by January 11, 2027, and at this time is expected to take approximately 2 days.

6. Alternative Dispute Resolution.

The case's settlement prospects may be enhanced via the following ADR procedure:

None at this time.

Date: January 8, 2026.

/s/ Matt Pierce

Matt Pierce
Asher, Gittler & D'Alba, Ltd.
200 W. Jackson Blvd., Suite 720
Chicago, IL 60606
(312) 263-1500 (phone)
(312) 263-1520 (fax)
mjp@ulaw.com

Counsel for Plaintiffs

/s/ Todd A. Miller

Todd A. Miller
Allococo, Miller & Cahill, P.C.
20 N. Wacker Drive, Suite 3517
Chicago, IL 60606
312-675-4325
Fax: 312-675-4326
Email: tam@allococomiller.com

Counsel for Defendants